Remarks

Claims 1-6, 8-10, 12-14, 16, and 18-20 are pending. Claims 7, 11, 15, and 17 were previously cancelled. Independent claims 1, 6, 13, and 19 were previously amended. The Examiner has rejected claims 1-6, 8-10, 12-14, 16 and 18-20 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,625,747 to Tawil et al. (hereinafter "Tawil").

I. Independent claims 1, 6, 13, and 19

The Examiner has rejected independent claims 1, 6, 13, and 19 as being anticipated by Tawil. Applicants respectfully submit that the cited reference does not anticipate the amended claims. Tawil standing alone does not contain each and every element of the claimed invention and, as such, the reference cannot anticipate the amended claims. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. § 2131 (citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987)); Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989) ("The identical invention must be shown in as complete detail as is contained in the . . . claim."). In particular, Tawil fails to show at least one aspect present in independent claims 1, 6, 13, and 19, namely a table of available storage paths between a server and a storage unit.

The present invention is directed to failover protocol in storage area network controllers involving selecting an alternate storage path to replace a failed storage path. (Abstract) In particular, part of the protocol for identifying alternate paths for accessing each storage unit involves building a record (such as a table) of the available paths for accessing each storage unit. (Spec., [0015], Fig. 2).

In contrast, Tawil fails to teach or disclose a table of available storage paths between a server and a storage unit. The Examiner states that "[t]he temporarily stored data in the controller cache memory is functionally the same as building a table of available storage paths." (Office Action, page 3, para. 3). A person of ordinary skill in the art would recognize the definition of a cache as "a small, fast memory located close to the CPU that holds the most recently accessed code or data." John L. Hennessy & David A. Patterson, Computer Architecture: A Quantitative Approach, p. 19 (1990). In contrast, a person of ordinary skill in the art would recognize the definition of a table as "a data structure usually consisting of a list of entries, each entry being identified by a unique key and containing a set of related values." Microsoft Press Computer Dictionary, p. 459 (3rd ed. 1997). The memory cache in Tawil is hardware for temporarily storing data. (Tawil, 22-25). Contrary-wise, the table identified in the independent claims of the present invention is built to contain the available storage paths between the server and the storage unit and is not characterized as temporary data. This element requires a construction of a table not merely the transfer of "data from a memory cache associated with first controller 24 to second controller 30" as discussed in Tawil. (Tawil, 6: 17-20). Tawil does not disclose storing the storage paths between the server and the storage unit in a defined data structure such as the table required by the above independent claims.

Further, the element of "building a table" requires that a table actually be built. Tawil only discusses transferring data from a memory cache. (Tawil, 6:17-20). Tawil does not disclose the step of building a table data structure to contain available storage paths between the server and the storage unit as required by the independent claims. A person of ordinary skill in the art would recognize that the transfer of data in and out of a memory cache is an elementary function of the hardware configuration. (Hennessy at p. 408 (a cache "represent[s] the level of

the memory hierarchy between the CPU and main memory.); *see also* Figure 8.11 depicting data transfer.). Thus, the transfer of data is in no way the same as building a table data structure.

Additionally, as stated in Applicants' previous response the passages of columns 6 and 7 discuss caching data in a controller prior to transferring the data to a storage device. The data in question is data that is to be stored in a storage device, and this is not the same as a table of available storage paths between a server and a storage unit. Tawil fails to teach or disclose a table (or database, inquiry page, or storage of any type) containing available storage paths between a server and a storage unit.

Tawil standing alone does not contain each and every element of the claimed invention and, as such, the reference cannot anticipate the independent claims, as amended. Applicants contend that independent claims 1, 6, 13, and 19 are allowable and respectfully request that the Examiner withdraw the rejection of these claims.

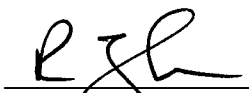
II. Dependent claims 2-5, 8-10, 12, 14, 16, 18, and 20

Dependent claims 2-5, 8-10, 12, 14, 16, 18, and 20 will not be discussed individually herein, as they depend from otherwise allowable base claims.

Conclusion

Applicants respectfully submit that the rejection of claims 1-6, 8-10, 12-14, 16, and 18-20 should be withdrawn and that these claims should be passed to issuance.

Respectfully submitted,



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